

SENATE BILL 11

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(PRE-FILED)

By: **Senator Conway**

Requested: July 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Returnable Containers – Plastic Secondary Packaging**

3 FOR the purpose of prohibiting certain persons from accepting possession of more
4 than a certain number of items of plastic secondary packaging for a certain
5 purpose; requiring certain persons that purchase certain plastic secondary
6 packaging to make a certain record of each transaction in which a person sells a
7 certain number of items of plastic secondary packaging; requiring certain
8 purchasers to verify the identity of certain sellers in a certain manner; requiring
9 certain purchasers to keep certain records of certain transactions; requiring
10 certain records to be kept for a certain period of time; providing that a person
11 that violates this Act is guilty of a misdemeanor and subject to a certain fine;
12 defining a certain term; and generally relating to the possession and purchase of
13 plastic secondary packaging.

14 BY adding to

15 Article – Business Regulation

16 Section 19–308

17 Annotated Code of Maryland

18 (2004 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 **19–308.**

23 **(A) (1) IN THIS SECTION, “PLASTIC SECONDARY PACKAGING” MEANS**
24 **A PLASTIC CRATE OR SHELL USED FOR THE BULK TRANSPORTATION, STORAGE,**
25 **OR CARRYING OF RETAIL ITEMS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “PLASTIC SECONDARY PACKAGING” INCLUDES MILK CRATES,**
2 **BAKERY AND SOFT DRINK TRAYS, AND OTHER COMMERCIAL PLASTIC**
3 **SECONDARY PACKAGING.**

4 **(B) OTHER THAN A MANUFACTURER OF PLASTIC SECONDARY**
5 **PACKAGING, A PERSON MAY NOT ACCEPT POSSESSION OF FOUR OR MORE ITEMS**
6 **OF PLASTIC SECONDARY PACKAGING FOR THE PURPOSE OF RECYCLING,**
7 **SHREDDING, OR DESTROYING THE ITEMS.**

8 **(C) (1) EACH PERSON THAT PURCHASES AN ITEM OF PLASTIC**
9 **SECONDARY PACKAGING, INCLUDING A PERSON THAT IS IN THE BUSINESS OF**
10 **RECYCLING, SHREDDING, OR DESTROYING PLASTIC SECONDARY PACKAGING,**
11 **SHALL MAKE A WRITTEN RECORD OF EACH TRANSACTION IN WHICH A PERSON**
12 **SELLS FOUR OR MORE ITEMS OF PLASTIC SECONDARY PACKAGING, THAT SHOWS**
13 **THAT THE PERSON SELLING THE PLASTIC SECONDARY PACKAGING HAS LAWFUL**
14 **POSSESSION OR OWNERSHIP OF THE PLASTIC SECONDARY PACKAGING.**

15 **(2) FOR EACH TRANSACTION SUBJECT TO PARAGRAPH (1) OF**
16 **THIS SUBSECTION, THE PURCHASER SHALL:**

17 **(I) VERIFY THE SELLER’S IDENTITY BY A DRIVER’S LICENSE**
18 **OR OTHER GOVERNMENT–ISSUED IDENTIFICATION; AND**

19 **(II) MAKE A RECORD OF EACH TRANSACTION THAT**
20 **INCLUDES:**

21 **1. THE NAME, ADDRESS, TELEPHONE NUMBER, AND**
22 **SIGNATURE OF THE SELLER OR THE SELLER’S AUTHORIZED REPRESENTATIVE;**

23 **2. THE NAME AND ADDRESS OF THE BUYER;**

24 **3. THE REGISTRATION NUMBER AND LICENSE TAG**
25 **NUMBER OF ANY VEHICLE USED IN THE DELIVERY OF THE PLASTIC SECONDARY**
26 **PACKAGING;**

27 **4. A DESCRIPTION OF THE ITEMS SOLD, INCLUDING**
28 **THE NUMBER OF UNITS; AND**

29 **5. THE DATE OF THE TRANSACTION.**

30 **(D) THE PURCHASER SHALL KEEP THE RECORDS REQUIRED BY THIS**
31 **SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF PURCHASE.**

1 **(E) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.